

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MATTHEW BAKER,

Plaintiff,

v.

No. 1:24-cv-0515 JMC/JMR

ALISHA TAFOYA, *et al.*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Matthew Baker's failure to cure deficiencies as directed. Plaintiff is incarcerated and proceeding *pro se*. He initiated the case by filing a Letter-Pleading indicating he wishes to bring civil rights claims under 42 U.S.C. § 1983. (Doc. 1). On May 24, 2024, the Clerk's Office mailed Plaintiff a blank civil rights complaint and a blank motion to proceed *in forma pauperis*. Plaintiff did not return the forms. By an Order to Cure Deficiencies ("Order") entered October 18, 2024, the Court directed Plaintiff to file a complaint on the § 1983 form, and to either prepay the \$405 civil filing fee or, alternatively, file a motion to proceed *in forma pauperis* within thirty days. (Doc. 2); *see also* 28 U.S.C. § 1915(a)(2) (providing that all prisoner-plaintiffs who do not prepay the filing fee must file an *in forma pauperis* motion and a certified copy of a six-month inmate account statement). The Order warns that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to file a complaint on the § 1983 form and address the civil filing fee requirement expired November 18, 2024. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order. Accordingly, the Court will dismiss the opening Letter-

Pleading (Doc. 1) pursuant to Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the ... court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS THEREFORE ORDERED that Plaintiff Matthew Baker’s opening Letter-Pleading **(Doc. 1)** is **DISMISSED without prejudice** pursuant to Fed. R. Civ. P. 41(b). The Court will enter a separate judgment closing this civil case.

/s/

JOEL M. CARSON III
UNITED STATES CIRCUIT JUDGE
Sitting by Designation